

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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JOHN PURCELL,

Plaintiff,

- against -

NEW YORK INSTITUTE OF
TECHNOLOGY – COLLEGE OF
OSTEOPATHIC MEDICINE,

Defendant.
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ORDER

CV 16-3555 (GRB) (AKT)

A. KATHLEEN TOMLINSON, Magistrate Judge:

**To: Dr. Sergei Belkin
15 Glen St, Ste 304
Glen Cove, NY 11542**

The attorneys for Defendant New York Institute of Technology (“Defendant”) have established to the Court’s satisfaction that the Defendant is entitled to the production of care and treatment records of JOHN PURCELL, and that counsel has made good faith efforts to obtain these records from you. The Court is also advised that the attorneys provided you with an appropriate HIPAA-compliant records release authorization executed by JOHN PURCELL. To date, these records have not been provided. Therefore,

YOU ARE HEREBY ORDERED to produce all responsive documents requested by the law firm of Clifton Budd & DeMaria, LLP concerning your treatment of JOHN PURCELL by September 2, 2020, to the following address:

Douglas P. Catalano, Esq.
The Empire State Building
350 Fifth Avenue, Suite 6110
New York, NY 10103

If it is your position that no such records or other materials exist, then you are directed to provide Defendant's counsel with a signed certification that no such records or other materials exist and that certification must be presented to Douglas P. Catalano, Esq., no later than **September 21, 2020**.

If you do not produce copies of all records and other materials pertaining to your treatment of JOHN PURCELL, or, alternatively, a signed certification that no such records or other materials exist by the date set forth in this Order, then

YOU ARE HEREBY ORDERED to appear by teleconference before the Hon. A. Kathleen Tomlinson, United States Magistrate Judge, United States District Court for the Eastern District of New York, on **September 22, 2020 at 10:30 a.m.** to explain why you have failed to produce copies of all records and other materials pertaining to your treatment of JOHN PURCELL, or a signed certification that no such records or other materials exist, pursuant to the attached signed authorization served upon you in this matter. You are directed to utilize the Court's toll-free conference line and dial-in at (866) 590-5055, access code 9720458, at the time of the hearing.

BE FURTHER ADVISED that if you fail to comply with this Order without adequate excuse therefore, you will be subjecting yourself to the prospect of a contempt hearing before this Court.

Defendant's counsel is directed to attach a copy of the HIPAA authorization to this Order and to serve the Order forthwith upon Dr. Sergei Belkin by overnight mail and first-class mail and to file proof of such service on ECF by August 26, 2020.

SO ORDERED.

Dated: Central Islip, New York
August 21, 2020

/s/ A. Kathleen Tomlinson
A. KATHLEEN TOMLINSON
U.S. Magistrate Judge